



68.1642 \$

Dkt. 48940-A-PCT-US/JPW/JML

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : John Loike and Samuel C. Silverstein
Serial No.: 09/177,843 Examiner: G. Bansal
Filed : October 22, 1998 Group Art Unit: 1642
For : METHOD OF TREATING INFECTION OF SUTURES AND
PROSTHETIC DEVICES

#8
chr
3-25-00

1185 Avenue of the Americas
New York, New York 10036
March 15, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231

SIR:

COMMUNICATION IN REPLY TO DECEMBER 15, 1999 OFFICE ACTION AND
PETITION FOR A TWO-MONTH EXTENSION OF TIME

RECEIVED
MAR 23 2000
TC 1600 MAIL ROOM

This Communication is submitted in response to the December 15, 1999 Office Action which was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response was originally due January 15, 2000. Applicants hereby request a two-month extension of time from January 15, 2000 to March 15, 2000. The fee for a two-month extension of time for a small entity is ONE HUNDRED AND NINETY DOLLARS (\$190.00) and a check including this amount is enclosed herewith. Applicants have previously established small entity status. Therefore, a response to the December 15, 1999 Office Action is now due March 15, 2000. Accordingly, this Communication is being timely filed.

Restriction/Election

The Examiner to whom this application is assigned has indicated that an election of one of the following allegedly independent and distinct inventions is required under 35 U.S.C. §121:

- I. Claims 1-16 and 43-54 drawn to treatment of bacterial infection and chronic inflammation by using an agent

03/21/2000 CLASSIFIED 00000074 09177043

01 FC:216

190.00 09

Applicants: John Loike and Samuel C. Silverstein
Serial No.: 09/177,843
Filed: October 22, 1998
Page 2

capable of inhibiting signaling mediated by a $\beta 1$ integrin cell surface receptor;

II. Claims 16-26 drawn to prevention of chronic infection caused by a foreign body by coating the foreign body with a fibrinolytic agent; or

III. Claims 27-42 drawn to a method of treating cancer by using an agent capable of inhibiting signaling mediated by a $\beta 1$ integrin cell surface receptor.

The Examiner indicated that Inventions I, II and III are unrelated because the invention of Group I relating to treating bacterial infections and chronic inflammation has a separate mode of operation, and is different in the effects from the invention of Group III, which related to treatment of cancers. The Examiner stated that the invention of Group II is distinct in that the product of Group II is distinct from the products of Group I and III in structural and chemical properties.

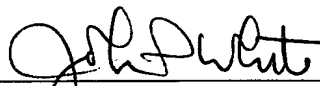
In reply, applicants respectfully traverse the restriction requirement and maintain that examination of groups III and I would not be an undue burden on the Examiner. The Examiner has indicated that these two groups are classified in absolutely the same class and subclass. **Applicants elect with traverse Group III directed to methods of treating cancer.**

Applicants look forward to receiving an action on the merits.

Applicants: John Loike and Samuel C. Silverstein
Serial No.: 09/177,843
Filed: October 22, 1998
Page 3

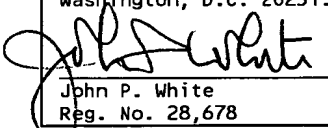
No fee, other than the \$190.00 extension of time fee is believed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



John P. White
Reg. No. 28,678

3/15/00
Date

RECEIVED
MAR 23 2000
TC 1600 MAIL ROOM